

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:23-CV-00745

UNITED STATES OF AMERICA,)	
)	
)	
)	
v.)	ORDER
)	
APPROXIMATELY \$40,000.00 IN UNITED)	
STATES CURRENCY SEIZED FROM)	
DARRYL LANDIS SIMON ON JULY 19, 2023,)	
AT THE CHARLOTTE-DOUGLAS)	
INTERNATIONAL AIRPORT)	

THIS MATTER having come before the Court upon the government's Motion for Entry of Default Judgment. (Doc. No. 12). Review of the pleadings reveals the Clerk of Court has previously entered Default, that Notice of the proceeding has been provided in accordance with law, that all claims against Defendant have been adjudicated by the Court, that the requested Default Judgment is for a sum certain, and that the United States of America is now entitled to all right, title, and interest in the Defendant funds, the Court enters the following Default Judgment.

BACKGROUND

On November 7, 2023, the United States filed a Complaint (Doc. No. 1) against the defendant, approximately \$40,000.00 in funds seized from Darryl Landis Simon at the Charlotte-Douglas International Airport. The Complaint alleged that the Funds constituted money furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §§ 841 and/or 846, was proceeds traceable to such an exchange, and was money used or intended to be used to facilitate a violation of 21 U.S.C. §§ 841 and/or 846.

From November 9, 2023, through December 8, 2023, pursuant to Federal Rules of Civil

Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G(4)(a), the Government provided notice by publication (Doc. No. 4) of this action. Further, the Government mailed direct notice (Doc. No. 3) of the Complaint to Darryl Landis Simon and Noell Tin, attorney for Mr. Simon.

The Government settled, in exchange for Mr. Simon's release of all other claims in this case, to return \$10,000.00 to Mr. Simon via Consent Order for Third-Party Claim. (Doc. 8). Notice of the forfeiture of the Currency has been properly published and directly provided, there are no claims remaining as to the Currency, and the time for filing claims has expired.

ORDER

IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED that the government's Motion for Entry of Default Judgment (Doc No. 12) is **GRANTED** and **DEFAULT JUDGMENT** is **ENTERED** in favor of the United States of America and against the defendant **APPROXIMATELY \$40,000.00 IN UNITED STATES CURRENCY**, providing that all right, title, and interest of all persons in the world in or to the **APPROXIMATELY \$40,000.00 IN UNITED STATES CURRENCY** seized from Darryl Landis Simon is hereby forfeited to the United States of America, subject to the Consent Order recognizing Mr. Simon's interest in \$10,000 of the Currency.

Signed: August 9, 2024



Graham C. Mullen
United States District Judge

